

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIAFILED  
HARRISBURGDERRICK R. COOMES  
Plaintiff

Vs.

ROBERT W. MYERS ET.AL.  
DefendantsNo. 1:CV-01-0247  
(Hon. Judge Rambo)SEP 10 2001  
MARY E. DANDREA, CLERK  
DEPUTY CLERK(21)  
9/12/01  
~yORDER TO SHOW CAUSE AND  
MOTION FOR TEMPORARY RESTRAINING ORDER

To: The Honorable Judge Rambo, and Judges of this Honorable District Court;

Plaintiff prays for an ORDER to show cause, and issuance of an emergency Temporary Restraining Order by this Honorable Court, directed to Defendant Dragovich, ORDERING same to desist, in criminal conspiracy with office of Victims services, and his "Security Captain" from the unauthorized, and illegal theft, censoring, and tampering with, your Plaintiffs mail, all of which violates Federal Crim. Code title 18 U.S.C. §1702, 1708 241, 242, 1346, 1503 and Title 42 U.S.C. §1983, and 1985.

In support of this motion it is respectfully averred as follows;

1. On August Thirty First, Plaintiff did rec. partial discovery package from DAG Cawley
2. Despite my being lied to in "prison grievance process" and told "Nobody is touching my mail" this discovery package, contained a "confidential memo" to "Victims advocate office, written by Defendant Dragovich, that: "He has issued "orders" all my outgoing mail is to be monitored by his Captain Orwig, (security) to "Insure I comply with his instructions".
3. In sum, it is this mans security office, that has been stealing, obstructing, and tampering with my mail., and this is the reason, I am missing all the mail I am missing here. They are obstructing justice, and violating U.S., and Postal laws.

And have driven me nearly berserk, for the last year and a half wondering where all my mail is going, and caused me unmitigated mental anguish, and emotional distress.

I WANT THIS STOPPED IMMEDIATELY PLEASE.

And I want, every single piece of my mail as is in their possession and control returned to me, forthwith, with written promise my mail will NEVER be touched by them again.

4. Plaintiff represents that he is afraid of retaliation, and Confrontation with these actors, if he attempts to address this on a prison level, he was retaliated against by security, last time he tried to "grieve" this issue. Accordingly the issuance of an Order to Show Cause, and a Restraining order, is needed by this Honorable Court.
5. Plaintiff is, and has been irreparably harmed, by this illegal conduct, and has been unable to seek help, contact witnesses, media, etc. or other means of seeking legal help, and these actors are violating Plaintiffs first, Sixth, eighth, and fourteenth Amend. Const. Rights, and must be restrained by this Honorable Court.

WHEREFORE: Plaintiff prays this Honorable Court, issue attached ORDER to show cause, and hear this matter, and restrain defendants from any further illegal conduct herein.

Respectfully Submitted:

*[Signature]*

## BRIEF MEMORANDUM OF LAW IN SUPPORT OF T.R.O.

Petitioner is being irreparably harmed by illegal conduct of defendant Dragovich. The Courts have held, a T.R.O. should issue, in such cases. VALVANO V. MOGRATH 325 F.S. 408 411, (E.D. N.Y. 1971) INMATES OF ATTICA V. ROCKEFELLER 453 F.2d 12, 24(2nd Cir.1971)

Defendant, nor his "security team" has any lawful authority to remove, censor or tamper with Plaintiffs mail, or to dictate whom I can, or cannot write. The "office of Victims Advocate has NO authority to interfere with U.S. Postal Service either.

Defendant and his Subordinates, are in direct violation of U.S. Criminal code 18 U.S.C. §1702, and 1708, at a minimum, and are violating Plaintiffs first amendment rights.

Plaintiff has not been charged with any crime, and has not been accused of using the mail in furtherance of any crime. Plaintiffs use of the U.S. Mail, is both guaranteed to him under U.S. Const. Amend. one, and to him, under right to represent himself, under U.S. Const. amend Six. Defendants have, and are interfering with those rights, without any lawful authority whatsoever. No state actor has "authority" to violate federal laws.

In WHEELER V. UNITED STATES 640 F.2d 1116 (9th Cir. 1981) it was held a FEDERAL JUDGE could not even order a prisoner to "have no contact" absent a prior court order. There is no such order in existence requiring Plaintiff not write anybody, at all.

The Supreme Court of the United States has held: "The loss of first amendment freedoms, for even minimal periods of time, UNQUESTIONABLY constitutes irreparable injury." ELROD V. BURNS 96 S.Ct. 2673, at 2690, N.25-26.

State actor Dragovich, has NO legitimate reason, to be obstructing, infiltrating, intercepting, censoring, or otherwise interfering with my mail. Some of which mail contains or contained Atty. Strategy, in regard to Plaintiffs case. Plaintiff is, and has suffered irreversible, irreparable harm, by this unauthorized, illegal Govt. intrusion, into Atty. Strategy. Plaintiff is his own counsel of record in Crim. case, and these actors have NO business, prying into my business, or secrets, and invading Atty. domain in this illegal fashion. WEATHERFORD V. BURSEY 429 U.S. 545, 550, 551, et.al. In which the Supreme Court also outlines irreparable injury from Govt. intrusion into Atty. strategy.

Plaintiff can, irrefutably show, he is (forced) COUNSEL OF RECORD in his case, and these actors have and are, violating this Sixth Amend. Guarantee, and obstructing and intruding into this off limits area. And are causing Plaintiff irreparable injury.

Plaintiff sent warden request addressing this, and demanding this Stop. This has not been addressed or complied with, nor has plaintiffs missing mail, been returned to him.

WHEREFOR: These actors must be forthwith restrained, by this Hon. Court. It is respectfully prayed this Hon. Court, Issue attached ORDER To Show Cause, and hear this issue, and forthwith restrain Defendant Dragovich, his subordinates in office, and SCIC mailroom, from any further violation of Plaintiffs Sixth, and First Amendment rights, and any further violation of 18 U.S.C. §1702, 1708 and upon hearing same, refer these actors for criminal prosecution.

Respectfully Submitted;

*[Signature]*

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

DERRICK R. COOMBS )  
Plaintiff )  
VS. ) No. 1:CV-01-0247  
(Hon. Judge Rambo)  
ROBERT W. MYERS ET.AL.)  
Defendants )


PROOF OF SERVICE

I hereby certify I have this 5<sup>th</sup> day of Sept., 2001, served the within "Order to Show Cause and Motion for Temporary Restraining Order, on the parties below, by deposit in Prison Mail, addressed as follows;

CLERK OF COURT  
U.S. DISTRICT COURT  
BOX 983, 228 WALNUT ST.  
HARRISBURG PA. 17108  
(Three Copies)

MR. PATRICK CAWLEY, D.A.G.  
LIT. SEC. ATTY. GEN'S OFFICE  
15th FLOOR, STRAWBERRY SQUARE  
HARRISBURG PA. 17120

Signed in accord with FRCP Rule 11, and submitted under penalty of perjury;

Respectfully Submitted,  
  
Derrick R. Coombs, #CN1800  
Box 200 Camp Hill Pa.  
17001-0200